

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Darrell L. Goss, Sr., #305517,)	
)	
Plaintiff,)	
)	Civil Action No. 2:23-cv-722-BHH
v.)	
)	<u>ORDER</u>
Shane D. Jackson,)	
)	
Respondent.)	
_____)	

This matter is before the Court upon Petitioner Darrell L. Goss, Sr.’s (“Petitioner” or “Goss”) petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. In accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2), D.S.C., the matter was referred to a United States Magistrate Judge for initial review.

On August 29, 2023, Magistrate Judge Mary Gordon Baker filed a Report and Recommendation (“Report”), outlining the issues and recommending that the Court deny Respondent’s motion to dismiss. (ECF No. 20.) Respondent did not file objections to the Report, but Petitioner did. (ECF No. 22.) However, Petitioner’s objections do not address the Magistrate Judge’s recommendation that the Court deny Respondent’s motion to dismiss; rather, Petitioner objects that the Magistrate Judge found that Petitioner raised a procedural due process claim when he actually raised a substantive due process claim. After review, the Court finds no basis for Petitioner’s objection because the Magistrate Judge only referred to Petitioner’s claim as an alleged “due process violation” or “due process challenge.” (ECF No. 20 at 11.) Regardless, Petitioner’s objection does not alter the Court’s disposition of Respondent’s motion to dismiss because, after review, the Court

fully agrees with the Magistrate Judge that the record simply does not include enough information to properly evaluate Respondent's arguments for dismissal. As a result, the Court finds that dismissal would be premature at this time.

Accordingly, the Court hereby adopts the Magistrate Judge's Report; denies Respondent's motion to dismiss (ECF No. 11); and orders Respondent to file a return or memorandum within 50 days of the date of this order.

IT IS SO ORDERED.

/s/Bruce H. Hendricks
United States District Judge

October 5, 2023
Charleston, South Carolina